

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMANUEL HAILE and
HERMAN FESSEHAI,

Defendants.

8:15CR25

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture ([Filing No. 53](#)). The Court has reviewed the record in this case and finds as follows:

1. Defendants have entered into a Plea Agreements ([Filing No. 48](#) and [Filing No. 50](#)) whereby they have agreed to plead guilty to Count I of an Information and admit the Forfeiture Allegation in the Information filed herein ([Filing No. 51](#)). Count I charged the defendants with possession of unauthorized access devices, in violation of Title 18, United States Code, §§ 1029(a)(3) and (c)(1)(A)(i). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. §§ 1029(c)(1)(C) and (c)(2), of the following properties on the basis they were used or were intended to be used to facilitate said violation:

1. HP Pavillion 4 Laptop S/N:CND0122944
2. HP 2000 Laptop S/N:5CG3510SMF
3. KING SOOPERS #127 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:1,000.00 Serial Number: 17-022186700
4. KING SOOPERS #127 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:500.00 Serial Number: 17-022186702
5. KING SOOPERS #90 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:500.00 Serial Number: 17-079542979
6. KING SOOPERS #65 WESTERN UNION MONEY ORDER Bank: WESTERN

7. UNION Amount:500.00 Serial Number: 17-079594190
7. KING SOOPERS #96 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048254004
8. KING SOOPERS #39 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048251169
9. KING SOOPERS #39 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048251168
10. KING SOOPERS #29 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048052992
11. KING SOOPERS #29 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048052993
12. KING SOOPERS #101 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-022032112
13. KING SOOPERS #24 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048194635
14. KING SOOPERS #39 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048251173
15. KING SOOPERS #39 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-0480251172
16. KING SOOPERS #39 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-048251171
17. KING SOOPERS #39 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:399.00 Serial Number: 17-0480251170
18. KING SOOPERS #35 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:349.00 Serial Number: 17-048295140
19. KING SOOPERS #24 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:349.00 Serial Number: 17-048194634
20. KING SOOPERS #35 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:199.00 Serial Number: 17-048295141
21. KING SOOPERS #20 WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount:199.00 Serial Number: 17-048327440
22. KING SOOPERS WESTERN UNION MONEY ORDER Bank: WESTERN UNION Amount: 249.00 Serial Number: 17-048008782
23. CARD ENDING 552 Issuer: TARGET
24. CARD ENDING 1817 Issuer: STARBUCKS
25. CARD ENDING 6897 Issuer: BED BATH & BEYOND
26. CARD ENDING 8359 Issuer: STARBUCKS
27. CARD ENDING 3183 Issuer: BED BATH & BEYOND
28. BLACK GARMIN GPS SYSTEM W/ POWER CORD Make: GARMIN Serial Number:145-01615-10
29. BLACK IPOD Make: APPLE Model: IPOD Serial Number:CCQL6FZCFFCJ
30. BLACK CAMCORDER Make: AMSUNG Model:HMX-W300 Serial Number:A231CN0CB000CXV
31. BLACK & RED CAMCORDER Make: SAMSUNG Model:HMX-W300 Serial Number:A22VCN1D50010SH
32. EXEBA COMM PROGRAM CD

33. \$9,890 in United States Currency seized from defendants

2. By virtue of said guilty plea, the defendants forfeit their interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS ORDERED, ADJUDGED AND DECREED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Information and the defendants pleas of guilty, the United States is hereby authorized to seize the properties.

C. Defendants' interests in said properties are hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

D. The aforementioned properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendants, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

DATED this 22nd day of June, 2015.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court